

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

William DeWitt, Jr.,

Case No. 3:10 CV 1312

Petitioner,

O R D E R

-vs-

JUDGE JACK ZOUHARY

Jesse Williams,

Respondent.

This Court has reviewed the Report and Recommendation (“R&R”) of the Magistrate Judge filed July 17, 2012 (Doc. 13). The R&R recommends this Court deny the Petition because, under 28 U.S.C. § 2254(d), the state court’s decision was not an unreasonable application of clearly established federal law, and because Petitioner’s other claims are procedurally defaulted (Doc. 13 at 2).

Under 28 U.S.C. § 636(b)(1), this Court makes a *de novo* determination of objections to the R&R filed within fourteen (14) days. The failure to file timely objections constitutes a waiver of *de novo* review. *See United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).

Petitioner’s deadline for filing objections was July 31, 2012. No objections have been filed. The R&R accurately states the facts and law, and is adopted in its entirety. Accordingly, the Petition is denied and this action is dismissed pursuant to 28 U.S.C. § 2243. Further, because Petitioner has not made a substantial showing of the denial of a constitutional right, this Court finds no basis to issue a certificate of appealability. 28 U.S.C. § 2253.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

August 6, 2012